

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

CARLOS ZELAYA, RUTH ZELAYA, BY HER
GUARDIAN AD LITEM CARLOS ZELAYA, AND
CARLOS ZELAYA AS ADMINISTRATOR AD
PROSEQUENDUM OF THE ESTATE OF JOSE
CARLO ZELAYA

Plaintiffs

vs.

MADISON SQUARE GARDEN, L.P.,
247 W. 37TH STREET LLC LLC I/S/H/A STITCH
BAR & LOUNGE INC., AND KEVIN FREIBOTT

Defendants

Civil Action

Case No. 08CV2933 (AJP)(LMM)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/7/2010

MEMO ENDORSED

PLAINTIFF'S MOTION TO FILE AND SERVE A SECOND AMENDED COMPLAINT

PLEASE TAKE NOTICE that Plaintiff hereby moves this Court at the United States Courthouse at 500 Pearl Street, New York, New York, for an Order authorizing Plaintiff to file and serve a Second Amended Complaint to substitute Carlos Zelaya, Administrator Ad Prosequendum of the Estate of Ruth Zelaya in place of Ruth Zelaya, and to add a cause of action for survivorship on behalf of the Estate of Ruth Zelaya.

Plaintiff relies on the grounds stated in the accompanying Declaration and Memorandum of Law in Support of Plaintiff's motion to file and serve a Second Amended Complaint.

Dated: New York, New York
June 23, 2010

*Motion granted. The
Second Amended
Complaint is to be
filed with the Clerk
not later than
20 days from the
date of this order.
So ordered.
M. V.
CSD: 7/7/10*

Respectfully submitted,

DAVIS, SAPERSTEIN & SALOMON, P.C.
Attorneys for Plaintiffs
375 Cedar Lane
Teaneck, NJ 07666
(201)907-5000

BY:

Terrence Smith
Terrence Smith [8297]